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MARK C JACOBS
3033 EL CAMINO AVENUE
SACRAMENTO CA 95821

In re Patent No. 5,794,847
Issue Date: August 18, 1998
Application No. 08/738,415
Filed: October 25, 1996
Attorney Docket: 1525A

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ON PETITION

This is a decision on the renewed petition under 37 CFR 1.378(c), filed April 13, 2011 to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; this includes the submission of a statement under 37 CFR 3.73(b). or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The merits of the petition have **not** been reviewed because Mary Dester Martin has signed the petition. A review of the record shows that Ms. Martin is not a proper party pursuant to 37 CFR 1.33.

It is further noted as indicated in the petition decision of March 24, 2011, any renewed petition must include the \$400.00 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read 'Charlema Grant', followed by a stylized flourish.

Charlema Grant
Petitions Attorney
Office of Petitions